

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

)
Investigation by the Department upon its own)
motion, pursuant to G.L. chapters 164, 165,) D.T.E. 98-22
and 166A commencing a review of standards)
employed by public utility operators when)
restoring municipal street surfaces after)
performing excavations.)
)

COMMENTS OF BOSTON EDISON COMPANY

I. Introduction

On April 16, 1999, the Department of Telecommunications and Energy (the Department) issued its Notice of Public Hearing and Request for Comments (the Notice), relative to the above captioned matter. The Notice states that the Department is proposing to promulgate Standards to be Employed by Public Utility Operators When Restoring any of the Streets, Lanes and Highways in Municipalities (the Standards).

The Department seeks comments from interested persons on the proposed Standards.

Boston Edison Company (Boston Edison or the Company) hereby submits the below comments for the Department's consideration in this docket.

II. General Comments

Boston Edison supports the creation of reasonable operator standards and procedures for utilities to follow for street excavation and repairs and the Department's

efforts to promulgate such standards.

Boston Edison Company participated on the joint utility/Massachusetts Municipal Association Street Restoration technical subcommittee that submitted proposed consensus street restoration standards with the Department on November 20, 1998.

We note that the Department's proposed Standards depart from the consensus report on one very significant point. The standards proposed by the Department state that the requirements contained within these standards are the minimum requirements that a Municipality may require of a utility when granting permits.

It is Boston Edison's position, and as we understand it the position of the other participants of the subcommittee, that these requirements were intended to be, and should be the maximum requirements a municipality can impose when granting permits. To hold otherwise would subject utilities to the possibility of dealing with different street restoration requirements for each municipality served by the utility. Such a finding would be counter to the concept of creating uniform standards.

During the May 11, 1999 public hearing held at the Department, Commissioner James Connelly stated that he would seek comments on whether a more performance, rather than a specification, oriented approach is a better standard to be imposed by a regulatory agency. Commissioner Connelly further stated the question, [w]hether the DTE standard should require that operators develop a street-opening, repair, component of their operating plans and file it for review with the Department for adequacy.

Boston Edison is interested in the concept of a performance-oriented approach to street restoration standards. However, given the nature of the proceedings in this docket to date, and the introduction of this new concept on May 11, 1999, the Company is unable to provide meaningful comments at this time. The Company would welcome the opportunity to address the Commissioner's comments at a later time.

III. Specific Comments

Section 3.0 Minimum Permit Requirements

As stated above, it is Boston Edison's position, and as we understand, the position of the other participants of the subcommittee, that these requirements were intended to be, and should be, the maximum requirements a municipality can impose when granting permits. Therefore, Boston Edison recommends that the word minimum be deleted from the heading and that the word minimum found in the last sentence of Section 3.0 be replaced with the word maximum.

Section 5.12

It is the Company's understanding that the requirement contained in section 5.12 is tied specifically to situations where blasting is involved. In order to avoid confusion, it is recommended that the text contained in section 5.12 be combined with section 5.11. We would suggest that the text read as follows:

5.12 Blasting, if necessary, shall be done in accordance with state law and local ordinance. The Utility shall supply copies of all log data and analyses collected from groundwater monitoring wells, as required.

Section 6.13

It is Boston Edison's position that these Standards were not intended to cover the installation of utility poles. Nor, does the Company believe that it makes practical sense to have these standards apply to pole installations. Therefore, we request that the word may be replaced with the words does not. The language proposed by the Company is the same language found in the November 20, 1998, consensus

standards.

Section 7.4

The requirements contained within this section for service laterals to a customer are not practical for underground electric service laterals. Typically, underground electric service laterals are installed from manholes to the customer in concrete-encased ductbanks. Boring and jacking technologies do not apply to the installations of concrete-encased ductbanks. Therefore, Boston Edison recommends that the words "except in the case of electric service laterals" be added to the end of this Section 7.4.

Section 8.12.5

The requirement in this section for inward spiral compaction passes is not practical for narrow trenches. Boston Edison would suggest that the words "where practical" be added to the end of the second sentence.

Section 8.12.8

There appears to be a typographical error in the first sentence. Replacing the word "compaction" with the word "paving" appears to correct the error.

Section 9.14

It is the Company's understanding that utilities and municipalities are in agreement that bituminous concrete is generally available during the period between November 15th and April 15th and as such, its use should not be restricted. Therefore, the Company requests that this provision be deleted.

Section 9.15

If the Department chooses to retain the restriction on the use of bituminous concrete between the period of November 15th and April 15th, then the temporary patch replacement requirement found in the second sentence should be amended to allow a utility more than 15 days to replace a temporary patch with a permanent patch. Boston Edison would suggest that the words "by April 30th" be replaced with the words "within sixty (60) days".

Section 11.0

Boston Edison has some reservations regarding the administrative burdens associated with the provisions contained in sections 11.1 through 11.4. These provisions were not contained in the consensus standards submitted on November 20, 1998. Boston Edison is amenable to certain administrative requirements for inspections and reporting with the understanding that municipalities are not also charging fees for the same or similar tasks.

Respectfully submitted

BOSTON EDISON COMPANY

By its attorney,

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Untitled

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